

REMARKS

Claims 1-26 are pending in this application. Claims 1-8, 11-20 and 23-26 have been rejected. Of these claims, claims 1 and 13 are independent in form. Claims 1, 9, 13 and 21 are herein amended. No new matter has been added. Applicant respectfully requests entry of the foregoing amendments and reconsideration of this application in view of the amendments and the following remarks.

Applicant gratefully acknowledges the Examiner's indication that claims 9-10 and 21-22 contain allowable subject matter.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-8, 11-20 and 23-26 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,972,453 to Daniel III et al. ("Daniel") in view of admitted prior art, i.e., a control interface for controlling CSTA protocols. (See ¶3, page 2 of the Office Action). Applicant respectfully traverses these rejections.

As previously noted, the Examiner has taken the position that Daniel teaches a PBX, a computing platform coupled to the PBX switch, and component based interface objects running on said computing platform, said component based interface objects defines properties, methods and events, said properties, methods and events being mapped to control substantially every event and service of said PBX switch. (See ¶3, pages 2-3 of the Office Action.)

The Office Action continues that while Daniel does not specifically teach the use of CSTA protocols, "this feature is old and well known as admitted by applicant specification page 3, lines 1-3" (Office Action, ¶3, page 3). The Examiner concludes that the present invention as claimed is rendered obvious in view of the combination of Daniel and the CSTA protocol. Applicant respectfully disagrees.

Applicant respectfully submits that the combination of Daniel and the CSTA protocol as the basis for the rejection of the pending claims is improper and the stated claim rejections cannot stand for at least several reasons. In addition, Applicant has herein amended claims 1 and 13 to clarify the claimed invention and submits that the claims as presented herein are patentably distinct from the art of record.

In the pending Office Action, the Examiner asserts, "Applicant's argument regarding 'local connection of CSTA to a PBX' can not be found in the claims. Therefore, it

seems that applicant is reading limitations into the claims.” (See, Office Action, page 6).

Applicant respectfully disagrees and submits that such local connection of the CSTA to a PBX is implicit in the claims as pending when read in view of the specification. None-the-less,

Applicant has amended independent claim 1 to explicitly recite such local connection, *inter alia*:

A computing platform for implementing computer supported telephony application (“CSTA”) protocols, comprising:

(a) a control interface, coupled to a local PBX switch and a telephony application, that controls said CSTA protocols in the local PBX switch; and

(b) component based interface objects running on the computing platform and defining properties, methods, and events, said properties, methods and events being mapped to control substantially every event and service of the local PBX switch.

As previously submitted, Applicant respectfully submits that the claims interface coupled to a local PBX is patentably distinct from Daniel’s disclosure of a system for remotely maintaining PBX systems.

More specifically, review of Daniel shows that it is directed to an autonomous expert system for directly maintaining remote computer systems by directly accessing the remote computer systems, diagnosing, and clearing fault conditions on those computer systems. (See Abstract.) The stated purpose of Daniel is to provide a system for remotely maintaining PBX systems, which obviates the need for technicians to travel to a PBX location and connect to it locally. (See, Daniel at Col. 1, lines 19-40). According to Daniel, the expert system automates the technician-performed remote access process by automating the step of placing a data call through the public telephone switching network and then invoking the test procedure. (See, Daniel at col. 2, lines 40-54.) Daniel does not teach or suggest a control interface for controlling CSTA protocols (or, for that matter, any other protocol) in a PBX switch, as claimed.

CSTA, on the other hand, provides an abstraction layer for telecommunications applications, which connect to local PBXs, as recited in amended independent claim 1.

Applicant respectfully submits that a prima facie case of obviousness has not been set forth. Despite the Examiner’s assertion that “The motivation to use an old and available protocol such as CSTA is obvious. Instead of creating and testing a new protocol, simply use an old, existing and tested protocol, which is convenient and economical.” (Office Action, page 6), the Examiner has not pointed to any motivation to form such a combination as is required.

Daniel's invention was expressly designed to connect to a PBX remotely, whereas CSTA facilitates local PBX connections. Accordingly, Applicant respectfully submits that given the different focus of the respective disclosures of these two references, the Examiner has failed to provide the necessary motivation to support combining the disparate teachings of Daniel with CSTA. Furthermore, inasmuch as the motivation to combine Daniel and CSTA appears to be taken from the present invention as claimed, such combination is improper and impermissible.

Moreover, even assuming *in arguendo* that the combination of Daniel and CSTA is properly motivated, which it is not, Applicant respectfully submits that the claimed invention is still not anticipated by or rendered obvious in view of such combination.

Specifically, claim 1 recites, *inter alia*, a control interface, coupled to a local PBX switch and a telephony application, that controls said CSTA protocols in the local PBX switch. Daniel, on the other hand, is directed to performing remote maintenance on a plurality of PBX switches from a remote location, and not to a control interface or to the CSTA protocol. Daniel does not address, suggest or even mention a method for interacting between the CSTA protocol and a control interface.

The present invention is directed to a method and apparatus for automatically generating common paradigms in computer supported telephony applications (CSTA) protocols. The present invention includes *inter alia* a control interface for CSTA protocols that utilizes, e.g., ActiveX properties, methods, events, and pages. The interface provides properties, methods, and events, being mapped to control substantially every event and service of PBX switch. In the present invention, component based interface objects are built using a component-based software architecture, such as Microsoft ActiveX or Sun Microsystems JavaBeans. (See, page 5, lines 10-13 of the specification of the present invention.) These component-based software architectures are not merely software architectures built from random components, which is typical of many non-structured software paradigms. The term "component" is known to have a specific meaning in the context of component-based software architectures: A "component" of a component-based software architecture consists of an interface and a group of data. In general, these component interfaces are defined by properties, methods, and events. Applicant's control interface provides property, method, and event interfaces to an application on one side and a CSTA interface to a local PBX on the other side. (See, e.g., page 7, lines 10-18.)

The logical structure of component-based software is different than software constructed from other software architecture paradigms. Each component in a component-based architecture has a well-defined programming interface that simplify component integration, in addition to thoroughly tested internal functionality.

Daniel thus fails to disclose, teach, or suggest the component-based software engineering architecture of the present invention and more particularly, Daniel fails to disclose a control interface for linking a computer supported telephony application with a local PBX switch utilizing CSTA protocols using “component based interface objects running on the computing platform and defining properties, methods, and events, said properties, methods and events being mapped to control substantially every event and service of said local PBX switch” as recited in claim 1.

Independent claim 1 as amended is accordingly believed neither anticipated by nor rendered obvious in view of Daniel, even if properly combined with the CSTA protocol, because at least the aforementioned claimed elements are lacking even in such combination. Independent claim 13 as amended is believed allowable for at least similar reasons as it is drawn to a method recitation corresponding to apparatus claim 1.

Dependent Claims

Applicant traverses the rejections of the dependent claims but have not independently addressed those individual rejections because Applicant submits that dependent claims 2-8 and 11-12, 14-20 and 23-26 are also allowable for at least similar reasons as stated for the independent claims from which they depend. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Objected to claims 9 and 21 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner has indicated these claims and claims 10 and 22 dependent therefrom respectively would be allowable if rewritten as such.

As claims 1-26 as presented herein are thus believed to define patentable subject matter as set forth hereinabove, withdrawal of the rejections applied to claims 1-8, 11-20 and 23-26 under 35 U.S.C. §103(a) is respectfully requested.

Double Patenting Rejection

Claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of co-pending US Patent Application Nos. 09/864,009, 09/864,057 and 09/863,912. (See Office Action, ¶, page 5.) While Applicant does not necessarily agree with the characterization provided by the Examiner of the claims allegedly in conflict, because this rejection is provisional since none of the claims identified as being in conflict have yet been patented, Applicant defers addressing the provisional rejection of claims 1-22 as such response is premature. Applicant reserves the right to address such rejection when appropriate.

CONCLUSION

In view of the foregoing, Applicant respectfully request reconsideration of this application. All claim rejections having been addressed and the claims as presented herein being believed allowable, Applicant submits that the application is hereby placed in condition for allowance, which action is respectfully requested.

Applicant believes that the concurrently filed Petition for a One-Month Extension of Time makes the Amendment a timely submission and that no additional fees or extension of time are required for this Amendment and Request for Reconsideration. However, should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 19-2179.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

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